

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
CHARLES WILLIAMS,

Plaintiff,

-against-

VIACOM, INC., BET NETWORKS, A&E
TELEVISION NETWORKS, I TUNES
CORPORATE/APPLE COMPUTER, INC.,
NETFLIX CORPORATE, AMAZON
CORPORATE, A. SMITH & CO.
PRODUCTIONS,

Defendants.
----- X

Hon. Joanna Seybert

Case No. 2:12-CV-01459
(JS)(ETB)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that, upon the Declaration of Frank Sinton filed by Defendants Black Entertainment Networks, Inc., A. Smith & Co. Properties, and Apple, Inc. (Dkt. No. 10), sworn to April 5, 2013, together with the exhibits attached thereto, the Declaration of Daniel J. Buzzetta filed by Defendants Black Entertainment Networks, Inc., A. Smith & Co. Properties, and Apple, Inc. (Dkt. No. 9), sworn to April 8, 2013, together with the exhibit attached thereto, and the accompanying Memorandum of Law in Support of the Motion of Defendant Viacom Inc. ("Viacom" or "Defendant"), Viacom will move this Court, before the Honorable Joanna Seybert in Courtroom 1030 of the United States District Court located at 100 Federal Plaza, Central Islip, New York, 11722, at a date and time to be determined by the Court, for an order:

- (a) pursuant to Fed. R. Civ. P. 12(b)(5) dismissing this action with prejudice based on Plaintiff's failure to properly serve Defendants with the summons and complaint;

- (b) pursuant to Fed. R. Civ. P. 12(b)(6) dismissing this action with prejudice based on Plaintiff's failure to state a claim upon which relief can be granted for copyright infringement, unfair business practices, exploitation, or harassment;
- (c) granting Defendant recovery of their costs and fees associated with defending this action; and
- (d) such other and further relief as the Court may deem just and proper.

DATED: May 16, 2013

GREENBERG TRAURIG, LLP

/s/ Daniel J. Buzzetta
Daniel J. Buzzetta (DB 7816)
200 Park Avenue
New York, New York 10166
Telephone: 212-801-9200
Facsimile: (212) 801-6400
Email: buzzettad@gtlaw.com
Attorneys for Defendant Viacom Inc.